

REMARKS

Claims 1-6, 8-13, 15-18 and 20 were rejected under 35 U.S.C. 102(e) as being anticipated by Terry.

Applicant has argued that the present invention distinguishes over the prior art because the prior art fails to teach the use of an ACK+data message response while the medium is controlled in response to a contention mode granted access. The Examiner has asserted that the claims did not claim this distinction over the prior art. While Applicant continues to disagree, in an effort to advance prosecution Applicant presents amendments to the claims to more explicitly claim that the first message is sent by the first node as a result of successful acquisition of the medium by contention, and that the ACK+data message sent by the second node in response to the first message is sent while the first node retains contention mode control of the medium. This operation is distinguished from the ACK+data message of Terry which is sent ONLY and EXCLUSIVELY by a node during contention free periods.

Applicant submits that the application is now in condition for favorable action and allowance.

Dated: September 14, 2009

Respectfully submitted,

By: /Andre M. Szuwalski/
Andre M. Szuwalski
Registration No.: 35,701
GARDERE WYNNE SEWELL LLP
3000 Thanksgiving Tower
1601 Elm Street
Dallas, Texas 75201
(214) 999-4795
Attorney For Applicant